

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**THURMAN KIRKWOOD**

**PLAINTIFF**

**V.**

**NO. 4:19cv131-JMV**

**MAJOR PERKINS, et al.**

**DEFENDANT(S)**

**ORDER SETTING SPEARS HEARING**

After reviewing the *pro se* complaint submitted by the plaintiff, it is

**ORDERED:**

1. No process will issue until after the *Spears* hearing which is set for **Monday, December 17, 2019 at 10:00 a.m. at 305 Main Street, Federal Building, Third Floor, Courtroom No. 2, Greenville, Mississippi, before United States Magistrate Judge Jane M. Virden.**
2. The courtroom has video conference capability. The facility holding the plaintiff, whether a jail or MDOC, may transport the plaintiff to the federal courthouse or to any video conference facility within MDOC. The decision will be left to MDOC discretion in light of safety and budgetary concerns. The proceeding will be recorded by audio recording device. Witnesses will be sworn by the deputy clerk, who will be present in the courtroom.
3. The plaintiff may not propound discovery requests to the defendants until permitted to do so by the court.
4. If the plaintiff is awarded damages or other funds as a result of this litigation, whether by way of satisfaction of a judgment, compromise, settlement, or otherwise, the plaintiff will remain liable to the United States for the reimbursement of all court costs, fees and expenses which he has caused to be incurred in the course of this litigation, and the United States will have a lien against such damages or other moneys until the United States has been fully reimbursed for those court costs, fees and expenses by payment into the court under 28 U.S.C. §1915(d).